

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

:

- v. -

:

CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
MONEY JUDGMENT

RENE ALLARD,

:

S8 20 Cr. 163 (PKC)

Defendant.

:

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WHEREAS, on or about June 2, 2022, RENE ALLARD (the "defendant") was charged in a one-count Superseding Information (the "Information"), with misbranding and adulteration of drugs in interstate commerce, in violation of Title 21, United States Code, Sections 331 and 333;

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Sections 334, of any and all drugs that were adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 331(11), 344, or 355 of this title, have been introduced into interstate commerce, including but not limited to a sum of money in United States currency representing the value of such property (the "Forfeitable Property");

WHEREAS, on or about June 2, 2022, the defendant pled guilty to Count One of the Information, pursuant to a plea

agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, pursuant to Title 21, United States Code, Sections 334 and 853, and Title 28, United States Code, Section 2461(c), a sum of money equal to \$628,553.70 in United States currency representing the value of the Forfeitable Property (the "Money Judgement");

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the Forfeitable Property cannot be located upon the exercise of due diligence;

WHEREAS, the defendant consents to the entry of the Money Judgment in the amount of \$628,553.70 in United States currency representing the value of Forfeitable Property;

WHEREAS, the Government agrees to accept a payment of \$125,000 pursuant to the terms set forth below, in full satisfaction of the Money Judgment,

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney DAMIAN WILLIAMS, United States Attorney, Assistant United States Attorneys Sarah Mortazavi and Anden Chow, of counsel, and the defendant, and his counsel, Max Nicholas, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, the Money

Judgment in the amount of \$628,553.70 in United States currency, representing the value of the Forfeitable Property shall be entered against the defendant.

2. The Money Judgment shall be deemed to be satisfied in full if the defendant remits payment of \$125,000 to the United States according to the following schedule. The defendant shall pay no less than \$75,000 to the United States by the time of sentencing (the "Initial Payment Deadline"). The defendant shall pay an additional \$50,000 within or by the expiration of 24 months following the latter of i) the date of the defendant's sentencing in this matter or ii) his release from any term of incarceration imposed in this matter (the "Final Payment Deadline"). In the event that the defendant fails to remit a total of \$125,000 in accordance with the schedule outlined herein, the entire Money Judgement of \$628,553.70 shall be due and owing and nothing in the foregoing shall limit the United States' ability to proceed against any assets of the defendant to satisfy the Money Judgement, pursuant to Title 21, United States Code, Section 853(p).

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, shall be deemed part of the sentence of the defendant and will be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by overnight mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Sarah Mortazavi 6/1/22  
SARAH MORTAZAVI  
ANDEN CHOW  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
DATE

By:  DATE  
RENE ALLARD

By:  6/2/22  
MAX NICHOLAS, ESQ.  
Attorney for Defendant  
DATE

SO ORDERED:

 6/2/2022  
HONORABLE P. KEVIN CASTEL  
UNITED STATES DISTRICT JUDGE  
DATE